

**Remarks/Arguments**

The preceding amendments and following remarks are submitted in response to the non-final Office Action mailed June 2, 2006, setting a three month shortened statutory response ending September 2, 2006. Claims 1, 19, 30, 36, and 37 have been amended and new claims 40-42 have been added. Support for the amendments and new claims is found in the specification, claims, and drawings as originally filed. No new matter has been added. Claims 1-42 are pending in this Application. Reconsideration, examination and allowance of all pending claims are respectfully requested.

**35 U.S.C. § 103 Rejections**

In paragraph 7 of the Office Action, the Examiner rejected claims 1-12, 16-24 and 28-39 under 35 U.S.C. § 103(a) as being unpatentable over Krockner et al. (US 2003/0195640) in view of Abrams (U.S. Patent No. 6,608,560). Applicants respectfully disagree with this rejection. However, to move this case along, clarifying amendments have been made to independent claim 1, which now recites:

1. (currently amended) An HVAC controller for use in controlling one or more components of an HVAC system, the HVAC controller comprising:
  - a controller configured to control one or more components of the HVAC system during normal operation of the HVAC system, said controller adapted to determine if one or more service events occurred for one or more of the components of the HVAC system; and
  - a display unit configured to display servicing information when a service event is determined by the controller.

Krockner et al. do not appear to teach such a controller. The Examiner asserts that the service tool, which is connected to the HVAC controller of Krockner et al., reads on an HVAC controller of claim 1, citing the abstract and paragraphs 42 and 43 for support. Applicants respectfully disagree. Notably, the Examiner states "the controller is taught as a service tool connected to an HVAC controller". Thus, the Examiner acknowledges that Krockner et al. does not teach an HVAC controller having the properties recited in claim 1. Rather, the Examiner takes the

position that it is the separate service tool of Krocker et al. that has the recited properties. Clearly, the service tool of Krocker et al. is not “configured to control one or more components of the HVAC system during normal operation of the HVAC system”, as recited in claim 1. Instead, as noted in Krocker et al.:

[0042] The operation of the present invention is described as follows: A service technician 22 is dispatched to the HVAC system 12 at a job site 20 to diagnose a problem or to perform routine maintenance. The service technician 22 connects the service tool 10 to a controller 44 at the job site 20, connects the power supply 82 to an outlet (not shown) if an AC power supply is being used, and connects the service tool 10 to a telephone line, a cellular phone, or the like to complete the remote communications capability 14. With the service tool 10, the service technician 22 determines the type and configuration of the HVAC system 12 using information available from the controller 44. The service technician 22 determines if the software in either the controller 44 or the service tool 10 should be updated and, if so, obtains the necessary information from the service information site 76 over the remote communications facility 14. The service technician 22 then ensures that an echo function 72 is operable and that the service tool 10 is in communication with the expert observer 16. The service technician 22 initiates the diagnostics function 84.

(Emphasis added; see paragraph 42). Thus, Krocker et al. appear to use a service tool 10, which is separate from the HVAC controller 44, to run diagnostic tests on the HVAC system. The service tool 10, however, does not appear to control one or more components of the HVAC system during normal operation of the HVAC system, as recited in claim 1.

In addition, Applicants do not believe it can be readily argued that the HVAC controller 44 of Krocker et al. is “adapted to determine if one or more service events occurred for one or more of the components of the HVAC system”, as recited in claim 1. If anything, the service tool 10 might perform this function. However, upon close inspection of Krocker et al., it appears that not even the service tool 10 performs this function. Instead, it appears that the service technician actually determines if one or more service events occurred. There does not appear to be any indication in Krocker et al. that the determination of whether a service event occurred is made by any component of the HVAC system, or even by the service tool. If the Examiner disagrees, Applicants respectfully request that the Examiner specifically point out where Krocker

et al. discloses that the HVAC controller 44 is “adapted to determine if one or more service events occurred for one or more of the components of the HVAC system”, as recited in claim 1.

In view of the foregoing, Krockner et al. do not appear to teach or suggest the elements of independent claim 1. Additionally, there would appear to be no motivation for one of ordinary skill in the art to modify the system and method of Krockner et al. to achieve the claimed HVAC controller of claim 1. Abrams does not appear to teach or suggest what Krockner et al. lack, thus any combination of Krockner et al. and Abrams must also fail to teach or suggest the claim elements. For these and other reasons, independent claim 1, and dependent claims 2-18, are all believed to be clearly patentable over Krockner et al. in view of Abrams. For similar and other reasons, independent claims 19, 30, 36, and 37, and dependent claims 20-29, 31-35, 38-39, are also believed to be clearly patentable over Krockner et al. in view of Abrams.

Specifically with respect to dependent claim 16, the Examiner asserts that Abrams teaches a controller that determines if one or more service events occurred for one or more component of the HVAC system by polling at least selected components of the HVAC system, citing column 4, lines 43-52 for support. Applicants respectfully disagree. Abrams appears to teach the user inputting a request for automated assistance. See column 3, lines 40-42, column 4, lines 10-11, 22-27, 53-57, column 5, lines 36-42 and 50-54. The service assistance device 100 of Abrams does not appear to poll one or more components of the HVAC system in order to determine if one or more service events occurred, but rather appears to merely respond to a user request for service information. Abrams thus does not appear to teach or suggest the elements of claim 16, and thus any combination of Krockner et al. and Abrams must also fail to teach the elements of claim 16. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 13-15 are rejected as being unpatentable over Krockner et al. in view of Abrams and further in view of Poth (US 6,741,915). For at least the reasons set forth above, Krockner et al. and Abrams do not appear to teach or suggest the basic elements of independent claim 1, from which claims 13-15 depend. Poth does not appear to teach or suggest what Krockner et al. and Abrams lack. Thus any combination of Krockner et al., Abrams, and Poth must also fail to teach

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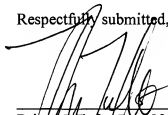
or suggest the elements of claims 13-15. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 25-27 are rejected as being unpatentable over Krockner et al. in view of Abrams and further in view of Bennett (US 5,877,957). For at least the reasons set forth above, Krockner et al. and Abrams do not appear to teach or suggest the basic elements of independent claim 19, from which claims 25-27 depend. Bennett does not appear to teach or suggest what Krockner et al. and Abrams lack. Thus any combination of Krockner et al., Abrams, and Bennett must also fail to teach or suggest the elements of claims 25-27. Reconsideration and withdrawal of the rejection are respectfully requested.

New claims 40-42 are also believed to be clearly patentable over the cited prior art.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, and issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 359-9348.

Respectfully submitted,



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